

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

DEBBIE DOWELL,)	
)	
Plaintiff,)	
)	NO. 3:19-cv-00105
v.)	JUDGE RICHARDSON
)	
DAVID BERNHARDT, Acting Director,)	
Department of the Interior,)	
)	
Defendant.)	

ORDER

Pending before the Court is a Report and Recommendation of the Magistrate Judge (Doc. No. 55), to which Plaintiff has filed Objections (Doc. No. 63), Defendant has filed a Response to Objections (Doc. No. 65), and Plaintiff has filed a Reply (Doc. No. 66). The Magistrate Judge recommended that Defendant's Partial Motion to Dismiss (Doc. No. 35) be granted.

Also pending before the Court is Plaintiff's Motion for Reconsideration (Doc. No. 59), which the Court construes as a Motion for Review under Fed. R. Civ. P. 72(a). Defendant has filed a Response. (Doc. No. 62). In this motion, Plaintiff asks the Court to overrule the Magistrate Judge's Order (Doc. No. 56) denying as moot her Motion to Strike Defendant's Partial Motion to Dismiss (Doc. No. 53) and also requests the removal from this case of the assigned Magistrate Judge.

For the reasons stated in the accompanying Memorandum Opinion, Plaintiff's Objections to the Report and Recommendation (Doc. No. 63) are **OVERRULED**. Plaintiff's Motion for Reconsideration (Doc. No. 59) is **DENIED**. Because Plaintiff's Motion to Strike (Doc. No. 53) was improperly filed, the Magistrate Judge's Order denying it (Doc. No. 56) is affirmed, albeit not

on the grounds of mootness invoked by the Magistrate Judge but rather for the reasons set forth in the Memorandum Opinion. Because it is improper under Fed. R. Civ. P. 12(g)(2), Defendant's Partial Motion to Dismiss (Doc. No. 35) is **STRICKEN**. Because the Report and Recommendation analyzed Defendant's Partial Motion to Dismiss, which was improperly filed, the Report and Recommendation (Doc. No. 55) is **SET ASIDE**, and the case is referred back to the Magistrate Judge for further proceedings.

The request to remove the assigned Magistrate Judge is without merit and is **DENIED**.

IT IS SO ORDERED.


ELI RICHARDSON
UNITED STATES DISTRICT JUDGE